

AO 441 (Rev.5/85) Third Party Summons in a Civil Action

FILED
US DISTRICT COURT
DISTRICT OF ALASKA

United States District Court

ALASKA

2005 DEC 22 PM 2:28

DISTRICT OF

PLAINTIFF

FAIRBANKS INVESTORS, INC.,

THIRD PARTY SUMMONS IN A
CIVIL ACTION

V. DEFENDANT AND THIRD PARTY PLAINTIFF

UNITED STATES DEPT. OF
AGRICULTURE, FARM SERVICE
AGENCY,

CASE NUMBER F05-023 CV (RRB)

V. THIRD PARTY DEFENDANT

LYALL BRASIER aka LYALL R.
BRASIER, JR. aka LYALL RAYMOND
BRASIER, JR. andJEANETTE BRASIER aka JEANETTE
E. BRASIER aka JEANETTE ELAINE
BRASIER, Husband and Wife;
VANDER WEELE FARMS; and
FAIRBANKS INVESTORS, INC.

TO: Name and address of Third Party Defendant)

LYALL RAYMOND BRASIER, JR.
PO BOX 483
DELTA JUNCTION, AK 99737

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

JOHN J. BURNS
BORGESON & BURNS PC
100 CUSHMAN STREET #311
FAIRBANKS, AK 99701DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY
(name and address)DANIEL R. COOPER, JR.
ASSISTANT US ATTORNEY
US ATTORNEY'S OFFICE
222 W. SEVENTH AVE #9 RM. 253
ANCHORAGE, AK 99513-7567

an answer to the third-party complaint which is herewith served upon you within 20 days after the service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the third-party complaint. There is also served upon you herewith a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9 (h) Federal Rules of Civil Procedure, and (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14 (c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff.

DEC 05 2005

CLERK

DATE

Sharon M. [Signature]
(By) DEPUTY CLERK

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AO 441 (Rev. 5/85) Third Party Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me⁽¹⁾

DATE

DECEMBER 13, 2005

NAME OF SERVER

JOY McCULLOCH

TITLE

LEGAL ASSISTANT

Check one box below to indicate appropriate method of service

☐ Served personally upon the third-party defendant. Place where served: _____☐ Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: _____

☐ Returned unexecuted: _____☒ Other (specify): THIRD PARTY SUMMONS & THIRD PARTY COMPLAINT SERVED VIA CERTIFIED MAIL

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 12/21/05

Date

Signature of Server

Joy McCulloch
222 W. 7th Ave., Rm 253, Anchorage, AK 99513

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Z 262 264 249

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to

Lyll Raymond Brasier, Jr.
P O Box 483Post Office, State, & ZIP Code
Delta Junction, AK 99737

Postage \$ 2.90

Certified Fee 2.30

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing to Whom & Date Delivered 1.75

Return Receipt Showing to Whom, Date, & Addressee's Address

TOTAL Postage & Fees \$ 6.95

Postmark or Date

12/10/05

PS Form 3800 April 1995

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Lyll Raymond Brasier, Jr.
P O Box 483
Delta Junction, AK 99737**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

Lyll Brasier

☐ Agent☐ Addressee

B. Received by (Printed Name)

Lyll Brasier

C. Date of Delivery

12/10/05

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

Z 262 264 249

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-14-2500

I declare under penalty of perjury that a true and correct copy of the Third Party Summons was sent to the following counsel of record on December 22, 2005, via:

(X) U.S. Mail

John J. Burns
Borgeson & Burns, PC
100 Cushman Street #311
Fairbanks, AK 99701

Executed at Anchorage, Alaska, on December 22, 2005



Office of the U.S. Attorney